

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BERKLEY INSURANCE COMPANY,

Plaintiff,

vs.

NEVADA CONTRACTORS INSURANCE
COMPANY, INC.

Defendant.

Case No. 2:16-cv-02564-RFB-CWH

ORDER

Presently before the court is the parties' proposed discovery plan and scheduling order (ECF No. 13), filed on March 9, 2017.


Counsel for the parties represent that they met and conferred but were unable to agree on a discovery plan and scheduling order. Specifically, Defendant contends that discovery should not occur pending the ruling on its motion to dismiss or to stay this declaratory judgment action (ECF No. 7), which will be decided by the United States district judge assigned to this case. Plaintiff disagrees and proposes a 270-day discovery plan, which requires special scheduling review.

The court understands Defendant to be requesting a stay of discovery, but is unable to evaluate this request without a discussion of the factors the court must consider in determining whether to stay discovery. *See, e.g., Ministerio Roca Solida v. U.S. Dep't of Fish & Wildlife*, 288 F.R.D. 500 (D. Nev. 2013), *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597 (D. Nev. 2011). To the extent Defendant requests to stay discovery pending the court's decision on the motion to dismiss or to stay the action (ECF No. 7), Defendant may file a motion to stay discovery supported by points and authorities within 21 days from the date of this order. If Defendant does not file a motion to stay discovery, the court will evaluate whether to approve Plaintiff's proposed 270-day discovery plan.

1 IT IS THEREFORE ORDERED that the court will DEFER considering the proposed
2 discovery plan and scheduling order (ECF No. 13) at this time for the reasons stated in this order.

3 IT IS FURTHER ORDERED that if Defendant chooses to file a motion to stay discovery,
4 the motion must be filed within 21 days from the date of this order.

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6 DATED: March 15, 2017

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9 **C.W. Hoffman, Jr.**
10 **United States Magistrate Judge**